

November 26, 2018

I wish to express opposition to the creation of a violent offender registry in the state of Ohio. This approach will not reduce crime or enhance public safety. I start from a deep desire for safety -- a desire I share with Sierah Joughin's family. I am committed to working with policy makers toward a state of affairs in Ohio wherein no one will experience the powerlessness and traumatic loss suffered by Sierah's family. That is exactly why I am concerned with efforts to create an additional registry. Registries have been proven to be a costly and ineffective method for preventing future crime and increasing public safety. A wide range of research concludes registries serve simply as an illusion of control and that registries have not accomplished the goal of making citizens safer.<sup>1</sup>

Public registries have unintended consequences that ultimately hinder a range of current efforts aimed at improving public safety and reentry in Ohio. Returning citizens face challenges with access to affordable housing, difficulties obtaining steady employment at a living wage, transportation barriers, and difficulty in reintegration. A public registry requirement exacerbates these challenges. Individuals currently on public registries exist in the margins of society. They live outdoors in camps in the woods, under public bridges, and on sidewalks in front of businesses and churches. Increasing the number of people in this situation, especially those with a violent history, does not enhance public safety and will create additional burdens to taxpayers in the form of increased need for social safety net services.

We are also concerned because:

- Creating a registry will result in another unfunded responsibility for local Sheriff Departments;
- Registries do not take into account recidivism rates or individual risk factors pertaining to the crimes the registry is seeking to prevent. For example, violent prisoners, like those convicted of homicide and sex offenses, are statistically the least likely to commit the same crime again.<sup>2</sup>
- Registries provide the public very limited information. With plea bargains it is difficult to know if the registry reports what actually occurred;
- A name on a registry provides no information on a person's current adjustment or threat to the community;
- Registries may result in vigilantism if a crime occurred near a residence of a registrant;
- The registry leaves open the potential of including youth before they turn 18, which would go against the rehabilitative focus of the juvenile court and well-established principle that youth can change for the better.

This policy is driven by irresponsible use of statistics. The Attorney General Mike DeWine persistently cites a Bureau of Justice Statistics report that says 71.3% of violent offenders are re-arrested within five years. He fails to note that these arrests are for "any offense," not violent offenses. In fact, the re-arrest rate of those originally convicted of homicide for another homicide is 2.1%, according to the very study Mr. DeWine refers to in his testimony. Re-arrest rates for rape and sexual assault among those originally convicted for rape and sexual assault are at 5.6%.

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<sup>1</sup> Molly J. Walker Wilson, *The Expansion of Criminal Registries and the Illusion of Control*, 73 *La. L. Rev.* (2013) Available at: <http://digitalcommons.law.lsu.edu/lalrev/vol73/iss2/7> and Agan, Amanda Y. "Sex Offender Registries: Fear without Function?" *The Journal of Law & Economics*, vol. 54, no. 1, 2011. [www.jstor.org/stable/10.1086/658483](http://www.jstor.org/stable/10.1086/658483).

<sup>2</sup> Patrick A. Langan, Ph.D. David J. Levin, Ph.D., *Recidivism of Prisoners Released in 1994, Table 10. Rearrest rates of State prisoners released in 1994, by most serious offense for which released and charge at rearrest. June 2002, NCJ 193427.* <https://www.bjs.gov/content/pub/pdf/rpr94.pdf>

In fact, the re-arrest of any person released after serving time for a violent offense is far more likely to be for a parole violation or, the most common reason for re-arrest of violent offenders (55.3%), public disorder. A VOD casts way to wide a net in response to the 2.1% of homicides committed by those released after serving time for an original conviction of homicide, potentially creating conditions for more desperation and stigma that create conditions for more criminal activity.

This irresponsible use of statistics drives bad criminal justice policy, making busy work for law enforcement while filling up prisons without enhancing public safety.

This policy is driven by unwarranted fear. Statistics show that the vast majority of sexual assaults and many acts of violence are committed by individuals the victim already knows.

This policy continues to put the burden on the individual who has done his or her time in prison to prove the negative, that they are “not dangerous.” This is an impossible requirement in addition to being a punishment beyond the sentence for the original criminal act itself. Our system is founded upon the principle that the state carries the burden to prove an individual guilty. If the person is found guilty of a criminal act, the state sentences that individual to an appropriate term in prison. Once that prison term is done that person should not have to prove to the state that they are not a danger to society, that they are “innocent” of the potential to commit a crime, for the rest of their life. It is impossible to “prove” the negative and this kind of registration process stigmatizes and burdens the released citizen with no positive outcome for public safety.

A number of opponents to this bill also have specific concerns about particular populations that may be impacted by the creation of a violent offender registry, like battered women, juvenile offenders, and various others returning to the community that we believe would face significant direct hardship and possible threats to their safety if they were required to publicly register their home address upon release.

While we are all horrified by the kidnapping and brutal murder of Sierah Joughin and grieve her death, I maintain that criminal justice policy should be evidence-based, not written as a fear-based reaction to individual tragedies. I respectfully request the House Criminal Justice Committee to fully consider the implications of expanding public registries before advancing SB 231 further.

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